

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13059 of 2024

Sanjeev Kumar Singh S/O Late Radhamohan Singh Resident of Village-
Ebrahimpur, P.O.- Rai Karariya, P.S.- Paharpur, Dist- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, East Champaran at Motihar.
2. The Collector-cum-District Magistrate, East Champaran at Mothihar.
3. The Additional Collector, Motihari, East Champaran.
4. The Sub-Divisional Officer, Areraj, East Champaran.
5. The Circle Officer, Paharpur Block, Paharpur, District- East Champaran.
6. The Officer-in-Charge, Paharpur, Police Station, Paharpur, District- East Champaran.
7. Hashim Mian, S/O Noori Mian, Resident of Village- Ebrahimpur, P.O.- Rai Karariya, P.S.- Paharpur, Dist.- East Champaran.
8. Hanif Mian, S/O Nathu Mian, Resident of Village- Ebrahimpur, P.O.- Rai Karariya, P.S.- Paharpur, Dist.- East Champaran.
9. Rabbdin Mian, S/O Sadik Mian, Resident of Village- Ebrahimpur, P.O.- Rai Karariya, P.S.- Paharpur, Dist.- East Champaran.
10. Sharif Mian, S/O Noori Mian, Resident of Village- Ebrahimpur, P.O.- Rai Karariya, P.S.- Paharpur, Dist.- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the Respondent/s	:	Standing Counsel (7)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-09-2024 The present writ petition has been filed seeking the following reliefs:-

“1 (I). To remove all encroachment done by the private respondents from a piece of Gairmajarua Aam Land (Public Road) appertaining to Khata No. 07, Plot no. 280 falling within Rai Karariya Mauza of Paharpur Block under East Champaran District as the land in question is



a public road and the encroachments made by the private respondents are causing serious inconvenience to the public at large and the petitioner in particular.

II. To conclude the proceeding of Encroachment Case No. 07/2023-24 initiated by the respondent no. 5 for removal of encroachment from the aforesaid public road and to remove the encroachment forthwith.”

2. At the outset, the learned counsel for the petitioner submits that the Circle Officer, Paharpur, East Champaran at Motihari has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 on 13.12.2023, in connection with Encroachment Case No.07 of 2023-24, holding that the land in question is public land and the same has been occupied by the encroachers, thus, it is submitted that the State respondent be directed to remove the encroachment in question.

3. *Per contra*, the learned counsel for the respondent-State submits that in case there is no other legal impediment and the aforesaid order has not been annulled by any higher forum/court of law, the same would definitely be enforced, within a stipulated time frame, as is fixed by this Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate,



East Champaran at Motihari to ensure that the aforesaid order dated 13.12.2023 is enforced in its true letter and spirit, in case the same has not been annulled by any higher forum/court of law and in case there is no other legal impediment, by effecting removal of the encroachment in question, by taking recourse to the due process of law, within a period of six weeks of receipt/production of a copy of this order.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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